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09/974,529	10/09/2001	William L. Thomas	UV-208	9814

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EXAMINER
CHOWDHURY, SUMAIYA A

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2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/974,529	THOMAS ET AL.	
	Examiner	Art Unit	
	Sumaiya A. Chowdhury	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-100* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-100* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-100 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7-9, 11, 13-18, 20, 23-25, 26-30, 32-34, 36, 38-43, 45, 48-55, 57-59, 61, 63-68, 70, 73-80, 82-84, 86, 88-93, 95, and 98-100, are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff (6240555).

As for claims 1; 26, and 76, Shoff discloses a method, system, and processor readable medium comprising:

Means for receiving a request for on-demand media from a user (on-demand mode; col. 4, line 65 - col. 5, line 2);

Means for retrieving supplemental content related to the on-demand media with the interactive television application in response to the request for on-demand media (The system is an on-demand system in which the video stream and supplemental

content are transmitted together. Hence, supplemental content is retrieved in response to request for on-demand media);

Means for providing the on-demand media to the user in response to the request for on-demand media (col. 10, lines 18-22);

Receiving a request to view the supplemental content from the user, wherein the request to view the supplemental content is received while the user is viewing the on-demand media (buttons 218-220; col. 10, line 59-col. 11, line 45); and

Means for providing the supplemental content to the user in response to the request for supplemental content (col. 11, lines 25-45).

As for claims 2, 27, 52, and 77, Shoff discloses wherein the on-demand media is video-on-demand – col. 4, line 62 - col. 5, line 2.

As for claims 3, 28, 53, and 78, Shoff discloses indicating the availability of supplemental content to the user (soft buttons 218-220, col. 11, lines 25-45).

As for claims 4, 29, 54, and 79, Shoff discloses providing a visual indicator (window 300) of the availability of supplemental content (soft buttons 218-220, col. 11, lines 25-45).

As for claims 5, 30, 55, and 80, Shoff discloses wherein the visual indicator is selected from the group consisting of graphics (soft buttons 218-220, col. 11, lines 25-45).

As for claims 7, 32, 57, and 82, Shoff discloses providing the supplemental content comprises providing supplemental content concurrently with the on-demand media (col. 10, lines 18-20).

As for claims 8, 33, 58, and 83, Shoff discloses providing supplemental content separately from the on-demand media (col. 10, lines 18-20).

As for claims 9, 34, 59, and 84, Shoff discloses retrieving supplemental content prior to viewing the on-demand media (Since the supplemental content is on a CD-ROM, the supplemental content is retrieved prior to viewing the on-demand media; col. 7, lines 60-67, col. 8, lines 52-56).

As for claims 11, 36, 61, and 86, Shoff discloses retrieving supplemental content comprises storing supplemental content (col. 7, lines 60-67, col. 8, lines 52-55).

As for claims 13, 38, 63, and 88, Shoff discloses wherein the supplemental content is synchronous metadata (col. 6, lines 24-60, col. 7, lines 35-50).

As for claims 14, 39, 64, 89, Shoff discloses:

providing the user with at least one option related to supplemental content; and

receiving an indication of the at least one option from the user (col. 10, line 59 – col. 11, line 45).

As for claims 15, 40, 65, and 90, Shoff discloses providing supplemental content as discussed above but fails to disclose providing an actor interview of an actor (col. 11, lines 30-33).

As for claims 16-17, 41-42, 66-67, and 91-92, Shoff discloses providing information related to an actor the user is currently watching (col. 11, lines 26-34).

As for claims 18, 43, 68, and 93, Shoff discloses:

providing the supplemental content comprises providing interactive media related to the on-demand media (col. 5, lines 12-22).

As for claims 20, 45, 70, and 95, Shoff fails to disclose wherein the interactive media is an interactive game (col. 5, lines 12-22).

As for claims 23, 48, 73, and 98, Shoff discloses providing supplemental content related to the on-demand media but fails to disclose providing links to content (col. 6, lines 24-27).

As for claims 24, 49, 74, and 99, Shoff fails to disclose:

providing the user with at least one option related to the on-demand media; and

receiving an indication of the at least one option from the user (col. 8, lines 40-65).

As for claims 25, 50, 75, and 100, Shoff discloses providing the supplemental content while the user is viewing the on-demand media (fig. 8B; col. 10, line 55-col. 11, line 45).

Claim 51 contains limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Claim 51 additionally calls for the following:

a user input device (30 – fig. 2);

a display device (28 – fig. 2);

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 6, 31, 56, and 81, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff in view Bruner (5594661).

As for claims 6, 31, 56, and 81, Shoff fails to disclose:

Detecting when media on a digital storage device is accessed;

Providing the user with the media in response to the detection;

Receiving a request for supplemental content related to the media on the digital storage device;

Retrieving the supplemental content that is related to the media on the digital storage device;

Providing the supplemental content that is related to the media on the digital storage device to the user.

In an analogous art, Bruner teaches:

a) Detecting when media (program related to movies) on a digital storage device (118 – Fig. 1; col. 2, lines 33-36) is accessed (col. 3, lines 21-26);

b) Providing the user with the media in response to the detection (col. 3, lines 21-26);

c) Receiving a request for supplemental content (program related to recent movie releases) related to the media on the digital storage device (col. 3, lines 45-50);

d) Retrieving the supplemental content that is related to the media on the digital storage device (col. 3, lines 45-50);

e) Providing the supplemental content that is related to the media on the digital storage device to the user (col. 3, lines 45-50).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Shoff's invention to include steps a) – e), as taught by Bruner, for the advantage of allowing the user to select media and supplemental content as desired.

6. Claims 10, 12, 35, 37, 60, 62, 85, and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff in view of Swix.

As for claims 10, 35, 60, and 85, Shoff fails to teach retrieving supplemental content comprises retrieving supplemental content prior to viewing the on-demand media using a carousel approach.

In an analogous art, Swix teaches retrieving supplemental content comprises retrieving supplemental content prior to viewing the on-demand media using a carousel approach (col. 9, lines 38-45, col. 13, lines 42-48).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Shoff's invention to include the above mentioned limitation, as taught by Swix, for the advantage of allowing the set-top receiver to tune to the data stream at any instant.

As for claims 12, 37, 62, and 87, Shoff fails to teach retrieving supplemental content comprises locally caching the supplemental content associated with the on-demand media.

In an analogous art, Swix teaches retrieving supplemental content comprises locally caching the supplemental content associated with the on-demand media (col. 11, lines 35-57).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Shoff's invention to include the above mentioned limitation, as taught by Swix, for the advantage of eliminating delay associated with downloading data each time it needs to be displayed.

7. Claims 19, 44, 69, and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff in view of Kambayashi.

As for claims 19, 44, 69, and 94, Shoff fails to teach:

wherein the interactive media is a survey.

In an analogous art, Kambayashi discloses wherein the interactive media is a survey (col. 21, line 49 – col. 22, line 5).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Shoff's invention to include the above mentioned

limitation, as taught by Kambayashi, for the advantage of allowing users to voice their opinion/vote.

8. Claims 21, 46, 71, and 96 rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff in view of Reimer.

As for claims 21, 46, 71, and 96, Shoff fails to teach providing information related an audio portion of the on-demand media.

In an analogous art, Reimer discloses wherein the user selects to view a scene while listening to voice overs of director or actor with their comments about the scene - col. 5, lines 48-52.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Shoff's invention to include providing information related an audio portion of the on-demand media, as taught by Reimer, for the advantage of providing the user with supplemental audio content.

9. Claims 22 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff in view of Reimer and Portuesi.

As for claims 22 and 47, Shoff and Reimer fail to disclose providing links related to the audio portion of the on-demand media.

In an analogous art, Portuesi discloses wherein the URLs are associated with the audio in the movie file – col. 5, lines 60-67.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Shoff and Reimer's invention to include wherein the URLs are associated with the audio portion in the movie file, as taught by Portuesi, for the advantage of providing the user with the additional feature of accessing desired audio files by simply clicking on a link.

10. Claims 72 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff in view of Portuesi.

As for claims 72 and 97, Shoff fails to disclose providing links related to the audio portion of the on-demand media.

In an analogous art, Portuesi discloses wherein the URLs are associated with the audio in the movie file – col. 5, lines 60-67.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Shoff's invention to include wherein the URLs are associated with the audio portion in the movie file, as taught by Portuesi, for the advantage of providing the user with the additional feature of accessing desired audio files by simply clicking on a link.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC

ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER